



NEBRASKA
DEPARTMENT OF EDUCATION

SPED
SPECIAL EDUCATION

Indicator B6 Coding Examples (Preschool Inclusion) Ages 3-5

Companion Document to B6 Crosswalk



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INTRODUCTION

Indicator 6 data are composed of three components outlined in the table below.

Table 1: Indicator 6, Part B: Percent of children aged 3 through 5 with IEPs:

6A	Receiving the majority of special education and related services in the regular early childhood program
6B	Receiving the majority of special education and related services in a separate special education class, separate school, or residential facility
6C	Receiving the majority of special education and related services at home

Data Sources

The data used for this measurement are taken from the District's Student Data System (e.g. Nebraska's SRS System) used for determining the student's service setting and the number of hours/minutes of special education and related services a student receives in a particular setting (e.g., a student receive 20 minutes of speech services two times a week)

We know preschoolers are not always enrolled in all day school programs when they are 3, 4, and 5 years old. In order to better understand how to address where preschoolers spend their time during the school day, Nebraska adds an environment (setting) code (through district IEP systems) to best determine where preschoolers spend their time. Districts should use these environment codes as part of the total calculation of minutes when converting all the codes into federal reporting categories. This promotes the collection of high quality data so Nebraska Department of Education (NDE) can see where the preschooler spends the rest of their time when they are not receiving special education services.

CATEGORY A

10+ hours in regular early childhood program

Regular Early Childhood Program (RECP) is a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children not on IEPs).



Zuri

1. Example - ADVISER Code 16

(Majority of hours of SPECIAL EDUCATION and RELATED SERVICES in the regular early childhood program)

Zuri attends a Head Start for 6 hours a day, 5 days per week. She receives a variety of special education services including special instruction, occupational therapy and speech-language therapy. Most of her services are embedded within the general education curriculum. However, for a portion of their service time, the speech pathologist and early childhood special education (ECSE) teacher pull Zuri to an empty office or to the back of the classroom for additional repetition of skills targeted within IEP goals.

Service	Duration		Location	Frequency			Misc.
	Start Date	End Date		Times/Day	Frequency	Total Minutes/Week	Adviser Code
Special Education Services							
Special Instruction	Feb 12, 2021	Feb 11, 2022	Regular Early Childhood Program, 10+ h/wk; Services at EC Program	45 minutes/day	5 days/wk	225	16
Special Instruction	Feb 12, 2021	Feb 11, 2022	Some Other location	15 minutes/day	4 days/wk	60	17
Additional Special Education Services							
Speech-Language Therapy	Feb 12, 2021	Feb 11, 2022	Regular Early Childhood Program, 10+ h/wk; Services at EC Program	30 minutes/day	1 day/wk	30	16
Speech-Language Therapy	Feb 12, 2021	Feb 11, 2022	Some Other Location	30 minutes/day	1 day/wk	30	17
Occupational Therapy	Feb 12, 2021	Feb 11, 2022	Regular Early Childhood Program, 10+ h/wk; Services at EC Program	30 minutes/day	4 days/mo	30	16

Total Regular Early Childhood Program (RECP) Time Where Special Education Service Provided			285	16
Total Special Education and Related Services outside the RECP			90	17
Which ADVISER code* has the greatest number of minutes? 16 285 minutes is where the majority of special education and related services are provided.				

*In the case of a child who spends an equal amount of time across two or more settings, districts may choose the least restrictive setting of these two.

CATEGORY A

10+ hours in regular early childhood program

Regular Early Childhood Program (RECP) is a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children not on IEPs).



Gudahi

2. Example - ADVISER Code 17

(Majority of hours of SPECIAL EDUCATION and RELATED SERVICES in some OTHER LOCATION)

Gudahi attends a licensed in-home childcare for 8 hours a day, 4 days per week. He receives both special instruction and speech-language therapy services. His special instruction services are embedded within the routine of the in-home daycare. For his speech therapy services, Gudahi sits at the kitchen table and works one-on-one with the speech-language pathologist.

Service	Duration		Location	Frequency			Misc.
	Start Date	End Date		Times/Day	Frequency	Total Minutes/Week	Adviser Code
Special Education Services							
Special Instruction	Feb 12, 2021	Feb 11, 2022	Regular Early Childhood Program, 10+ h/wk; Services at EC Program	40 minutes/day	1 day/wk	40	16
Speech-Language Therapy	Feb 12, 2021	Feb 11, 2022	Some Other location	30 minutes/day	2 days/wk	60	17

Total Regular Early Childhood Program (RECP) Time Where Special Education Service Provided			40	16
Total Special Education and Related Services outside the RECP			60	17
Which ADVISER code* has the greatest number of minutes? 17 60 minutes is where the majority of special education and related services are provided.				

*In the case of a child who spends an equal amount of time across two or more settings, districts may choose the least restrictive setting of these two.

CATEGORY B

< 10 hours in regular early childhood program

Regular Early Childhood Program (RECP) is a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children not on IEPs).



1. Example - ADVISER Code 18

(Majority of hours of SPECIAL EDUCATION and RELATED SERVICES in the RECP)

Jose attends a regular early childhood program within his resident school district for 3 hours a day, 3 days per week. He receives a variety of special education services, which include special instruction, occupational therapy, and physical therapy. He receives most of his services in the regular early childhood classroom and a portion of his services in the hallway with the occupational therapist.

Service	Duration		Location	Frequency			Misc.
	Start Date	End Date		Times/Day	Frequency	Total Minutes/Week	Adviser Code
Special Education Services							
Special Instruction	Feb 12, 2021	Feb 11, 2022	Regular Early Childhood Program, < 10 h/wk; Services at EC Program	15 minutes/day	3 days/wk	45	18
Additional Special Education Services							
Occupational Therapy	Feb 12, 2021	Feb 11, 2022	Some Other location	20 minutes/day	4 days/mo	20	19
Physical Therapy	Feb 12, 2021	Feb 11, 2022	Regular Early Childhood Program, < 10 h/wk; Services at EC Program	30 minutes/day	2 days/mo	15	18

Total Regular Early Childhood Program (RECP) Time Where Special Education Service Provided			60	18
Total Special Education and Related Services outside the RECP			20	19
Which ADVISER code* has the greatest number of minutes? 18 60 minutes is where the majority of special education and related services are provided.				

*In the case of a child who spends an equal amount of time across two or more settings, districts may choose the least restrictive setting of these two.

CATEGORY B

< 10 hours in regular early childhood program

Regular Early Childhood Program (RECP) is a program that includes a majority (at least 50 percent) of nondisabled children (i.e., children not on IEPs).



Vera

2. Example - ADVISER Code 19

(Majority of hours of SPECIAL EDUCATION and RELATED SERVICES in some OTHER LOCATION)

Vera attends the Wesley United Methodist Preschool for 3 hours a day, two days a week. She is the only student in the classroom with an IEP. The speech pathologist goes to the preschool and pulls her out of the classroom for speech and language services.

Service	Duration		Location	Frequency			Misc.
	Start Date	End Date		Times/Day	Frequency	Total Minutes/Week	Adviser Code
Special Education Services							
Speech-Language Therapy	Feb 12, 2021	Feb 11, 2022	Some Other location	20 minutes/day	2 days/wk	40	19

Total Regular Early Childhood Program (RECP) Time Where Special Education Service Provided			0	-
Total Special Education and Related Services outside the RECP			40	19
Which ADVISER code* has the greatest number of minutes? 19 40 minutes is where the majority of special education and related services are provided.				

*In the case of a child who spends an equal amount of time across two or more settings, districts may choose the least restrictive setting of these two.

CATEGORY C

Attends a special education program, specifically, a special education class.

A special education classroom includes fewer than 50% non-disabled children (i.e., children not on IEPs).
If the child does not attend a Regular Early Childhood Program, it is Category C



1. Example - ADVISER Code 06

(Attends a class intended primarily for children with disabilities and receives most special education and related services in that setting)

Destiny attends an early childhood special education classroom located in her resident school district. There are eight students with disabilities in the class and two students that do not have disabilities. She receives a variety of special education services, which include special instruction, speech therapy, occupational therapy, and physical therapy. All these services are embedded within the daily routines of the preschool classroom.

Service	Duration		Location	Frequency			Misc.
	Start Date	End Date		Times/Day	Frequency	Total Minutes/Week	Adviser Code
Special Education Services							
Special Instruction	Feb 12, 2021	Feb 11, 2022	Special Education Classroom	90 minutes/day	5 days/wk	450	06
Speech-Language Therapy	Feb 12, 2021	Feb 11, 2022	Special Education Classroom	30 minutes/day	3 days/wk	90	06
Additional Special Education Services							
Occupational Therapy	Feb 12, 2021	Feb 11, 2022	Special Education Classroom	20 minutes/day	4 days/mo	20	06
Physical Therapy	Feb 12, 2021	Feb 11, 2022	Special Education Classroom	30 minutes/day	2 days/mo	15	06

Total Regular Early Childhood Program (RECP) Time Where Special Education Service Provided			0	-
Total Special Education and Related Services outside the RECP			575	06
Which ADVISER code* has the greatest number of minutes? 06 575 minutes is where the majority of special education and related services are provided.				

*In the case where the hours in setting are the same, districts may pick the least restrictive setting.

CATEGORY C

Attends a special education program, specifically, a separate school.

A separate school is specifically designed for children with disabilities and includes fewer than 50% non-disabled children (i.e., children not on IEPs). If the child does not attend a Regular Early Childhood Program, it is Category C.



Riddhi

2. Example - ADVISER Code 05

(Majority of special education and related services are provided in a school designed specifically for children with disabilities)

Riddhi attends Behaven Kids Specialized Day Program. This program is for children who are struggling with severe and/or chronic behaviors. She receives all her special education services at the program in combination with the highly structured care she also receives from the specialists at Behaven Kids.

Service	Duration		Location	Frequency			Misc.
	Start Date	End Date		Times/Day	Frequency	Total Minutes/Week	Adviser Code
Special Education Services							
Special Instruction	Feb 12, 2021	Feb 11, 2022	Separate school	15 minutes/day	3 days/wk	45	05
Occupational Therapy	Feb 12, 2021	Feb 11, 2022	Separate school	30 minutes/day	1 day/wk	30	05
Additional Special Education Services							
Physical Therapy	Feb 12, 2021	Feb 11, 2022	Separate school	30 minutes/day	2 days/wk	60	05

Total Regular Early Childhood Program (RECP) Time Where Special Education Service Provided			0	-
Total Special Education and Related Services outside the RECP			135	05
Which ADVISER code* has the greatest number of minutes? 05 135 minutes is where the majority of special education and related services are provided.				

*In the case where the hours in setting are the same, districts may pick the least restrictive setting.

CATEGORY C

Attends a special education program, specifically, a residential facility.

A residential facility is a publicly or privately operated residential school or residential medical facility. If the child does not attend a Regular Early Childhood program, it is Category C.



Marco

3. Example - ADVISER Code 07

(A publicly or privately operated residential school or residential medical facility on an inpatient basis and receives the majority of special education and related services are provided in this setting)

Marco currently resides at Ambassador Health, a pediatric care facility. He receives all of his special education services at the care facility in combination with the intensive rehabilitation provided by the specialists within the facility.

Service	Duration		Location	Frequency			Misc.
	Start Date	End Date		Times/Day	Frequency	Total Minutes/Week	Adviser Code
Special Education Services							
Special Instruction	Feb 12, 2021	Feb 11, 2022	Residential Facility	30 minutes/day	1 day/wk	30	07
Speech-Language Therapy	Feb 12, 2021	Feb 11, 2022	Residential Facility	30 minutes/day	2 days/mo	15	07
Additional Special Education Services							
Occupational Therapy	Feb 12, 2021	Feb 11, 2022	Residential Facility	20 minutes/day	2 days/mo	10	07
Physical Therapy	Feb 12, 2021	Feb 11, 2022	Residential Facility	30 minutes/day	4 days/mo	30	07

Total Regular Early Childhood Program (RECP) Time Where Special Education Service Provided			0	-
Total Special Education and Related Services outside the RECP			85	07
Which ADVISER code has the greatest number of minutes? 07 85 minutes is where the majority of special education and related services are provided.				

CATEGORY D

Receives the majority of hours of special education and related services at home.



1. Example - ADVISER Code 08

(Majority of special education and related services within the principal residence of the child's family or caregiver, including non-licensed childcare)

During the school week, **Jordan** and his twin brother, Sam, stay at home with their dad. The speech pathologist goes to the home for each session to provide therapy.

Service	Duration		Location	Frequency			Misc.
	Start Date	End Date		Times/Day	Frequency	Total Minutes/Week	Adviser Code
Special Education Services							
Speech-Language Therapy	Feb 12, 2021	Feb 11, 2022	Home	60 minutes/day	1 day/wk	60	08

Total Regular Early Childhood Program (RECP) Time Where Special Education Service Provided			0	-
Total Special Education and Related Services outside the RECP			60	08
Which ADVISER code has the greatest number of minutes? 08 <i>90 minutes is where the majority of special education and related services are provided.</i>				

CATEGORY D

Receives the majority of hours of special education and related services at the service provider location or some other location not in any other category.



Aniyah

2. Example - ADVISER Code 09

(Majority of special education and related services are provided in a service provider location or some other location that is not in any other category)

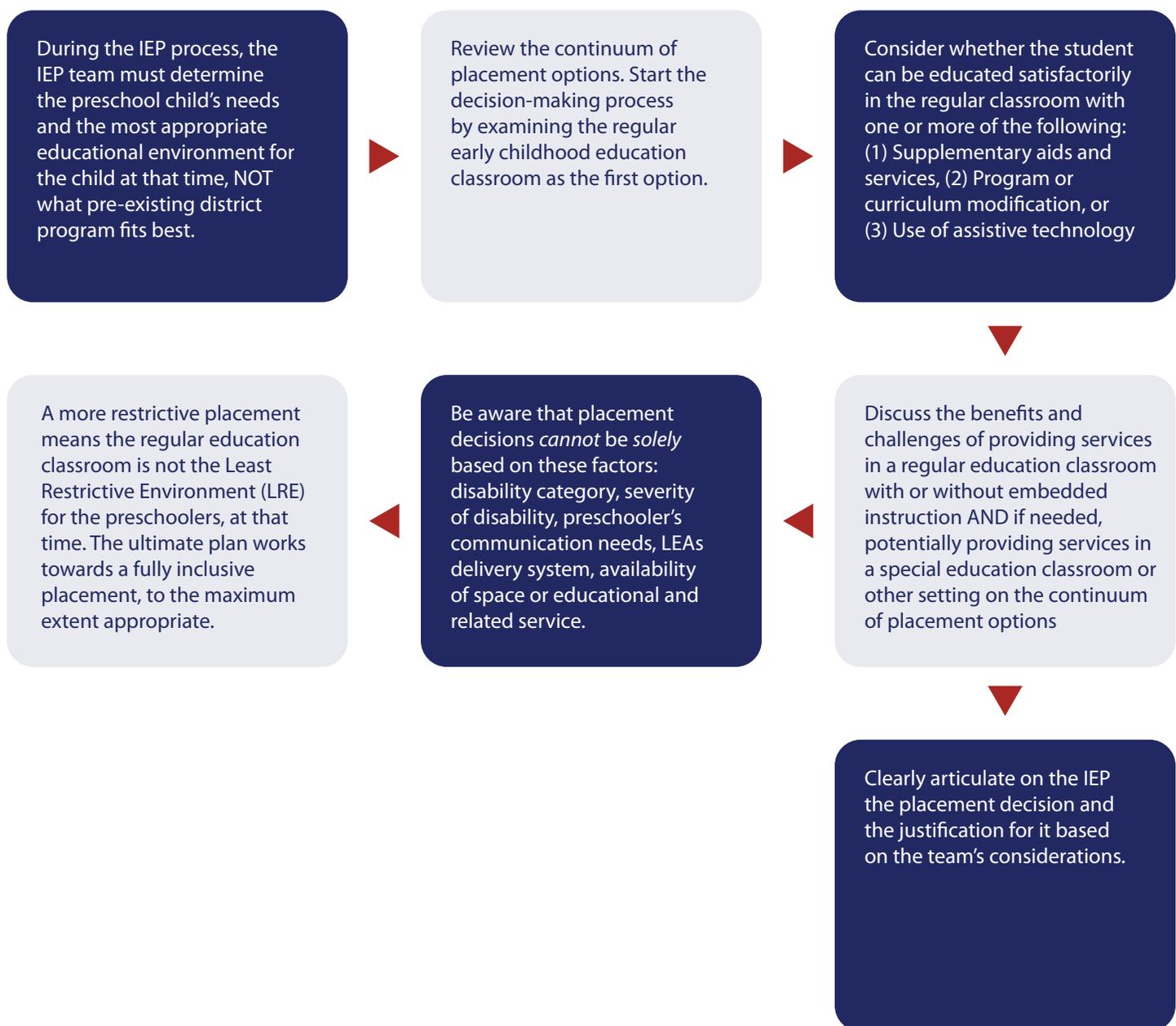
During the school week, **Aniyah** and her sister are watched by a nanny at their home. On Tuesdays and Thursdays, Aniyah rides the district van to an elementary school within her resident school district. She meets the speech pathologist outside and they walk to her office where Aniyah works on her speech and language IEP goals and objectives.

Service	Duration		Location	Frequency			Misc.
	Start Date	End Date		Times/Day	Frequency	Total Minutes/Week	Adviser Code
Special Education Services							
Speech-Language Therapy	Feb 12, 2021	Feb 11, 2022	Service Provide Location	30 minutes/day	8 days/mo	60	09

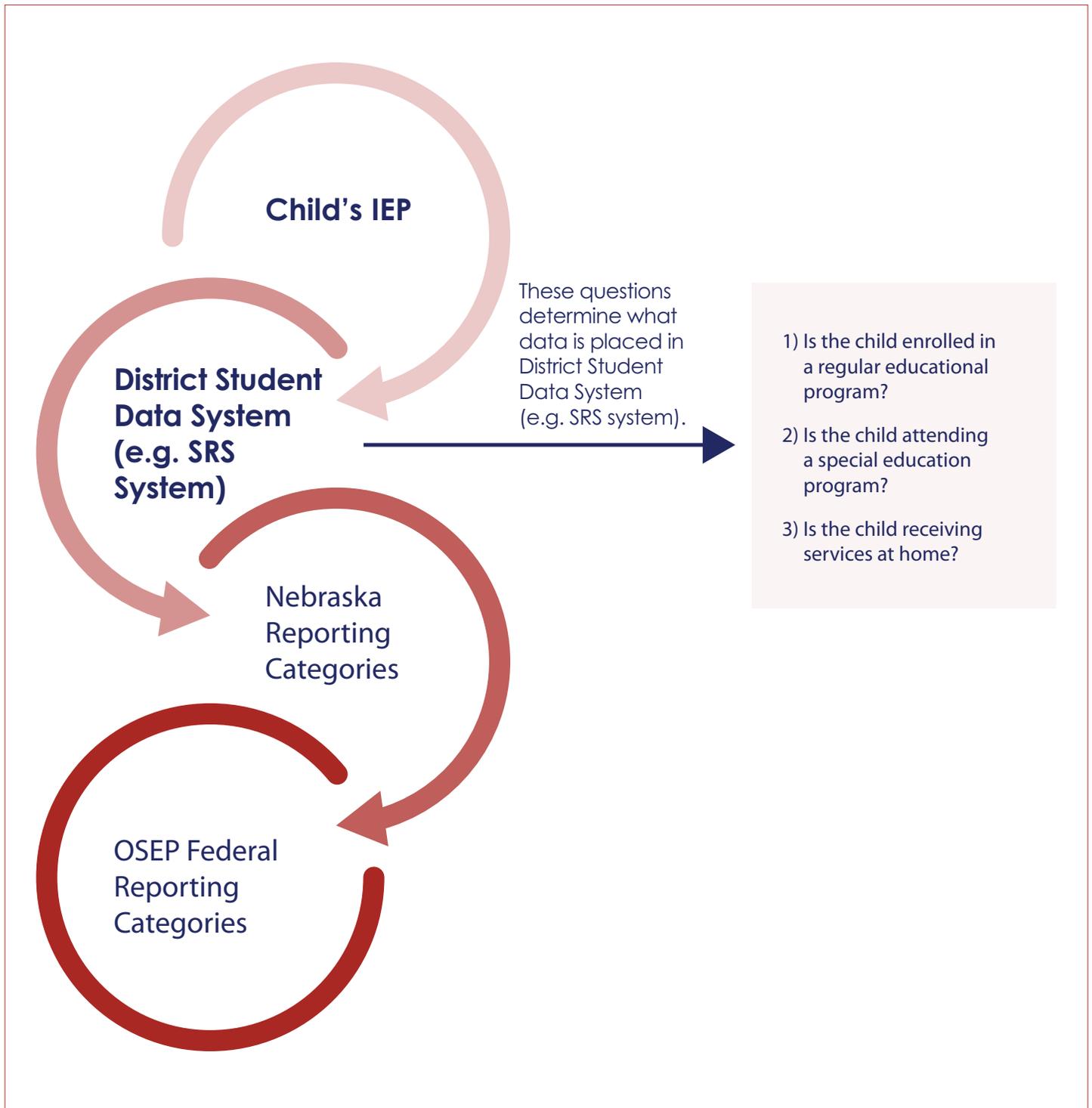
Total Regular Early Childhood Program (RECP) Time Where Special Education Service Provided			0	-
Total Special Education and Related Services outside the RECP			60	09
Which ADVISER code has the greatest number of minutes? 09 <i>60 minutes is where the majority of special education and related services are provided.</i>				

THE IEP PROCESS

A high-quality IEP process outlines a placement for the child based on their individual needs. The outline below articulates what the process should look like when it's based on a preschool child's needs. First, you review the continuum of placement options available in the child's community and the decision-making process must start with the regular education classroom first. If the child can be successfully educated in the regular classroom with supports or services, a high-quality IEP can be developed for that placement. If a more restrictive placement may be needed, a plan for a future placement in the regular education classroom, should also be discussed and considered. Placement in more restrictive settings cannot be made based on disability category, severity of disabilities, or communication needs. If such a placement is deemed necessary, by the team, a justification in the Prior Written Notice (PWN) should be included.



PROCESS TO DETERMINE PRESCHOOL CHILD'S LEAST RESTRICTIVE ENVIRONMENT



DOCUMENTATION AND JUSTIFICATION OF PRESCHOOL LRE

When to use Prior Written Notice (PWN) to document Preschool LRE

In 2017, the US Dept. of Education's Office of Special Education Programs (OSEP) updated the Dear Colleague Letter to reaffirm the position that all young children with disabilities must have access to inclusive high-quality early childhood programs with individualized and appropriate supports to enable them to meet high expectations. The LRE requirements state a strong preference for educating children with disabilities in regular classes alongside their peers without disabilities. Regular Early Childhood Program is defined as including a majority (at least 50%) of nondisabled children, or children who do not have an IEP. This regulatory requirement applies to both 3- and 4- year-old preschool-aged children.

The Dear Colleague Letter states "The LRE requirements in section 612(a)(5) of the IDEA apply to all children with disabilities who are served under Part B of the IDEA, including preschool children with disabilities ages **three through five.**"

Furthermore, 92 NAC 51-002.27 states "to the maximum extent appropriate, children with disabilities, including children in public or nonpublic schools and approved service agencies, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily". Therefore, before a preschool child with a disability can be placed outside of the regular educational environment, the IEP team making the placement decision, must consider whether supplementary aids and services could be provided that would enable the child to be educated in the regular early childhood classroom.

According to 92 NAC 51-009.05A, Prior Written Notice (PWN) shall be given to the parents of a child with a disability a reasonable time before a school district or approved cooperative:

- Proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education; or
- Refuses to initiate or change the identification, evaluation, or educational placement of the child

Per federal and state regulations, a school district must document and provide justification on an initial placement and/or PWN form anytime special education and/or related services are provided outside of the regular early childhood program. This would include special education and related services with ADVISER Codes of 5, 6, 7, 8, 9, 17, and 19.

(1) PRIOR WRITTEN NOTICE EXAMPLE

Student: Jordan Smith
School: Doe Elementary School
Parents: Dean Smith, Audrey Smith

Date of Birth: July 6, 2019
School District: Parade Public Schools
Location of Services: Home

Grade: P

Date of Notice: August 19, 2019

Date of Delivery: August 19, 2019

Method of Delivery: Hand Delivered

A description of the action proposed or refused by the school district or approved cooperative:

The IEP team proposes continuation of speech-language therapy services, in the area of expressive language, for Jordan within his home environment in accordance with his IEP.

The School District proposes refuses this action for the following reasons:

Based on parent desire to continue services within the home setting along with the steady growth that Jordan continues to make on his language goals, the IEP team believes that services in the home environment will allow Jordan to develop and expand his educational opportunities at this time. A regular early childhood program (RECP) will be revisited at the end of the semester with the IEP team to discuss if the RECP is an appropriate LRE at that time.

Other options the IEP team considered and reasons why those reasons were rejected:

The IEP team first considered placement in a regular early childhood classroom within the school district in order for Jordan to have access to an inclusive high-quality early childhood preschool classroom with other 3-year-old children (majority being typically developing peers). However, the family declined as Jordan's parents believe he is still too young (recently turned 3 last month) to attend half-day preschool and would like for their twin sons to be together throughout the weekdays as of now.

This action is based on the evaluation procedure, assessment, record, or reports described below:

This decision was based on parent input, IFSP/IEP progress reports, TS GOLD data, and speech-language therapist/teacher observations.

(1) PRIOR WRITTEN NOTICE EXAMPLE

Other factors which are relevant to the school districts proposal refusal are:

None at this time.

Parents of children with disabilities have rights which are protected under the procedural safeguards of the Individual with Disabilities Education Act (IDEA). If you would like a copy of your procedural safeguards, or if you have any questions regarding this notice of your rights, you may contact:

Name: Deb Siemers

Phone Number: 402-332-3265

You may contact any of the following resources to help you understand the federal and state laws for education children with disabilities and parental rights granted by those laws. An explanation of your rights will be provided at no cost by any of the following organizations:

Nebraska Parent Training Center: 800-284-8520 or 402-346-0525

Nebraska Advocacy Services: 800-422-6091 or 402-474-3183

(2) PRIOR WRITTEN NOTICE EXAMPLE

Student: Destiny Moore
School: Fossil Elementary School
Parents: Meg Moore

Date of Birth: October 18, 2018
School District: Bedrock Public Schools
Location of Services: Special Education Class

Grade: P

Date of Notice: May 8th, 2022

Date of Delivery: May 8th, 2022

Method of Delivery: Hand Delivered

A description of the action proposed or refused by the school district or approved cooperative:

For this past 21-22 school year, the IEP team deemed Destiny's least restrictive environment (LRE) as a regular early childhood program (licensed in-home childcare). She received all her special education and related services within that setting. For the 22-23 school year, the IEP team proposes Destiny be considered for placement in the special education preschool program within the Bedrock Public Schools in accordance with her IEP. The special education preschool program is a smaller class with a lower teacher-student ratio that provides a more structured daily routine.

The School District proposes refuses this action for the following reasons:

Based on IEP team discussion which included conversation around the minimal progress that Destiny has demonstrated on her IEP goals over the past school year, parental/childcare provider concern, escalated behaviors, and the continual need for an increase in supports and services, the IEP team believes that services in a preschool special education program will allow Destiny to participate appropriately in her educational environment. A regular early childhood program (RECP) will be revisited with the IEP team to discuss if the RECP becomes a more appropriate LRE placement.

Other options the IEP team considered and reasons why those reasons were rejected:

The IEP team considered continued placement in a regular early childhood program (licensed in-home daycare) within the district boundaries in order for Destiny to have access to an inclusive high-quality early childhood program with other typically developing children. However, based on her progress reports, TS GOLD data, parental/childcare provider concerns, escalated behaviors, and need for continual increase in support and services, the IEP team believes that the preschool special education program meets Destiny's educational needs at this time.

This action is based on the evaluation procedure, assessment, record, or reports described below:

This decision was based on parent/childcare provider input, IEP progress reports, TS GOLD data, service providers observations, continued formal and informal evaluation in various developmental areas (especially behavior and OT for sensory support), and continuous need for increased supports and services within the IEP.

(2) PRIOR WRITTEN NOTICE EXAMPLE

Other factors which are relevant to the school districts proposal refusal are:

None at this time.

Parents of children with disabilities have rights which are protected under the procedural safeguards of the Individual with Disabilities Education Act (IDEA). If you would like a copy of your procedural safeguards, or if you have any questions regarding this notice of your rights, you may contact:

Name: Heather Ottoson

Phone Number: 531-289-1234

You may contact any of the following resources to help you understand the federal and state laws for education children with disabilities and parental rights granted by those laws. An explanation of your rights will be provided at no cost by any of the following organizations:

Nebraska Parent Training Center: 800-284-8520 or 402-346-0525

Nebraska Advocacy Services: 800-422-6091 or 402-474-3183